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Sen. Stamas proposes constitutional amendment to protect rights of Michigan property owners

LANSING – State Sen. Tony Stamas, R-Midland, has proposed a constitutional amendment that would strengthen laws protecting Michigan property owners from eminent domain for private purposes.

“The decision handed down by the U.S. Supreme Court in *Kelo v. New London* was surprising to many people, including myself,” Stamas said. “Personal property rights are one of the backbone principles our nation was founded upon. The Supreme Court ruling essentially gave the decision making power on this back to the states. The Michigan Supreme Court has previously ruled in favor of property owners, but this constitutional amendment is necessary to ensure that those rights cannot be eroded in the future.”

Last week, the U.S. Supreme Court handed down a 5 to 4 ruling that would allow state and local governments to force property owners to sell their land and make way for private economic development.

According to the majority opinion, the decision was made based on cases in which the court previously interpreted “public use” to include urban revitalization and land redistribution in addition to more traditional projects such as bridges and highways.

“The Supreme Court decision decisively thwarts the intent of the Constitution’s 5th Amendment protection of private property and opens a door to abuse of property rights big enough to drive a bulldozer through,” said Lawrence W. Reed, president of the Mackinac Center for Public Policy. “I commend Senator Stamas for taking this initiative.”

The amendment would strengthen Michigan’s constitution by defining what constitutes public use and clearly stating that land cannot be taken away for private use.

“I am proud to lead the way on such a vital issue to all Michigan property owners,” Stamas said.

The necessary legislation is in the process of being drafted and will be ready for introduction in the Senate in the near future.

Senate Majority Leader Ken Sikkema said he is supportive of Stamas’ efforts.

“The Supreme Court ruling is especially troubling because it allows government to take someone’s property for private development,” said Sikkema, R-Wyoming. “Few things are held so dear as a person’s property and the belief that the government cannot simply come and take it from them.”

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